

# **EXHIBIT E**

## Dalton, Amy

---

**From:** Kim, Nicole  
**Sent:** Monday, August 29, 2022 12:14 PM  
**To:** Pitman, Michael (USACAN); Smith, Corey (TAX); Bourget, Boris (TAX); Magnani, Christopher (TAX); Langston, Lee F. (TAX)  
**Cc:** Strassberg, Richard M; Fondo, Grant P; Callaway, David R.; Ewald, Sylvia; Chang, Roland  
**Subject:** RE: U.S. v. Kepke 3:21 cr 155 (JD)

Mike/Corey/Boris:

We are in receipt of the correspondences and production you provided on August 12<sup>th</sup>, including the summary of “representations [that] have been made to the government by counsel for Robert F. Smith.” After reviewing the materials, we believe the following documents are still missing that we are entitled to:

- All underlying documents supporting the August 12<sup>th</sup> Summary Letter, including, but not limited to, correspondence, 302 reports, documents, and memoranda;
- All underlying PowerPoints, documents/exhibits or memoranda from presentations made by Smith or his counsel to the government including, but not limited to, the presentations for which the government provided exhibits and pages from;
- Communications between the government and Mr. Smith or his lawyers related to the investigation of Mr. Smith, including Mr. Smith’s proffer and his NPA, including those communications that assert or relate to any defenses, and/or lack of culpability; and
- Memoranda and notes from any attorney proffer made on behalf of Mr. Smith, similar to the one recently produced on August 2, 2022, dated June 2, 2020.

We understand based on our prior conversations and your August 12<sup>th</sup> letter that you are not intending to produce anything else as part of this Smith-related production. Given this understanding, we intend to move to compel the production of these materials. If our understanding is incorrect and you intend to produce additional materials, including some or all of the materials listed above, please let us know by September 2<sup>nd</sup>.

Best,

**Nicole Kim**

*she/her/hers*

Associate



Goodwin Procter LLP  
601 South Figueroa Street, Suite 4100  
Los Angeles, CA 90017  
o +1 213 426 2495  
f +1 213 947 1279  
[NicoleKim@goodwinlaw.com](mailto:NicoleKim@goodwinlaw.com)

